

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ATLAS COMMODITIES, L.L.C.,

Plaintiff,

vs.

**DANIEL CROSBY and
LEGEND ENERGY ADVISORS, L.L.C.,**

Defendants.

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CIVIL ACTION NO. 4:15-CV-00005

**DEFENDANTS'
RULE 12(b)(6) MOTION TO DISMISS**

Defendants Daniel Crosby (“Crosby”) and Legend Energy Advisors L.L.C. (“Legend”) hereby move to dismiss all claims against them pursuant to Fed. R. Civ. P. 12(b)(6) *with prejudice*.

In its First Amended Petition, Plaintiff Atlas Commodities L.L.C. (“Plaintiff”) sues Crosby for: breach of fiduciary duty, unfair competition, unjust enrichment, tortious interference with business relationships, violation of the Texas Uniform Trade Secrets Act, negligence, and gross negligence. Plaintiff also seeks a declaratory judgment against Daniel Crosby stating that Plaintiff does not owe him wages.

In its First Amended Petition, Plaintiff also sues Legend for: breach of fiduciary duty, unfair competition, unjust enrichment, tortious interference with business relationships, and violation of the Texas Uniform Trade Secrets Act.

Defendants move to dismiss every claim against them pursuant to Rule 12(b)(6) because Plaintiff fails to state any claim upon which relief may be granted. Contemporaneously, with the filing of this motion, Defendants file their Memorandum of Law in support of their Rule 12(b)(6) motion to dismiss which it incorporates here by reference.

WHEREFORE, Defendants move to dismiss with prejudice all claims against them and for other such further relief as required by law.

Dated: January 5, 2015.

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ Edward L. Friedman

Edward L. Friedman

Texas Bar No. 07462950

efriedman@bakerlaw.com

811 Main Street

Suite 1100

Houston, TX 77002-6111

Telephone: 713.751.1600

Facsimile: 713.751.1717

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to all known counsel of record by filing this document through the Court's electronic filing system and by certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, on this 5th day of January, 2015, as follows:

BERG FELDMAN JOHNSON BELL, LLP

Geoffrey Berg (gberg@bfjblaw.com)

State Bar No. 00793330

Kathryn E. Nelson

State Bar. No. 24037166

4203 Montrose Boulevard, Suite 150

Houston, Texas 77006

(713) 526-0222/ FAX (832) 615-2665

Counsel for Atlas Commodities, LLC

/s/ Edward L. Friedman

Edward L. Friedman